

REMARKS

INTRODUCTION:

In accordance with the foregoing, claim 4 has been amended. No new matter is being presented, and approval and entry are respectfully requested.

Claims 1 and 3-34 are pending and under consideration. Reconsideration is respectfully requested.

ENTRY OF RESPONSE UNDER 37 C.F.R. §1.116:

Applicant requests entry of this Rule 116 Response and Request for Reconsideration because:

(a) it is believed that the amendment of claim 4 puts this application into condition for allowance;

(b) the amendment of claim 4 should not entail any further search by the Examiner since no new features are being added or no new issues are being raised;

(c) the amendment does not significantly alter the scope of the claims and places the application at least into a better form for appeal. No new features or new issues are being raised; and/or

(d) the references applied to the claims are newly cited in the final Office Action, and Applicant should be provided the opportunity to present patentability arguments and amendments in view thereof.

The Manual of Patent Examining Procedures sets forth in §714.12 that "[a]ny amendment that would place the case either in condition for allowance or in better form for appeal may be entered." (Underlining added for emphasis) Moreover, §714.13 sets forth that "[t]he Proposed Amendment should be given sufficient consideration to determine whether the claims are in condition for allowance and/or whether the issues on appeal are simplified." The Manual of Patent Examining Procedures further articulates that the reason for any non-entry should be explained expressly in the Advisory Action.

PRIORITY:

In the Office Action, at page 2, the Examiner submitted that, should applicant desire to obtain the benefit of foreign priority under 35 USC 119(a)-(d) prior to declaration of an interference, a translation of the foreign application should be submitted under 37 CFR 1.55 in reply to the present office action.

Enclosed herewith is a translation of Korean Patent Application No. 10-2002-0050525, filed August 26, 2002 in the Korean Intellectual Property Office, to which applicant claims foreign priority.

REJECTION UNDER 35 U.S.C. §103:

In the Office Action, at pages 2-6, claims 1 and 3-9 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kelly et al. (USPN 6,775,216; hereafter, Kelly) in view of VanHoudt (2002/0121094; hereafter, VanHoudt). The reasons for the rejection are set forth in the Office Action and therefore not repeated. The rejection is traversed and reconsideration is requested.

Claim 4 has been amended to correct a typographical error.

The Examiner admits that Kelly fails to disclose proportional-integral processing, and introduces VanHoudt as teaching proportional-integral processing. However, VanHoudt does not utilize the same inputs for proportional-integral processing as are used by the present invention. Paragraph [0036] of VanHoudt recites:

FIG. 2 shows a block diagram of bi-directional switch-mode thermoelectric control system 200 in accordance with the invention for controlling temperature of a laser diode in a laser-diode source bank of a photonic tester. System 200 includes a thermistor and associated circuitry 202, such as bridge circuitry, for converting a temperature of an object 204 to a thermistor voltage. Object 204 is, for example, a laser diode, another light source such as a light emitting diode, or a mounting block on which a laser diode housing is mounted. Typically, a thermistor having a nominal resistance of 10 K ohms is used in the thermistor and associated circuitry 202. Suitable thermistors are commercially available. For example, a Dale 1T1002-5 is one such thermistor. An error amplifier 206 compares the thermistor voltage to a reference voltage corresponding to a desired reference temperature. Suitable error amplifiers are commercially available, for example, from Analog Devices, model AD706. The reference voltage is created with a digital-to-analog converter, for example, a 12-bit Linear Tech LTC8043 or a 16-bit LTC1595. The difference between the thermistor voltage and the reference voltage is an error voltage. This difference is provided as the output of error amplifier 206 and the input of a thermal process controller 208. Preferably, thermal process controller 208 is a PID controller, for example, a controller from Analog Devices, model ADS706. The controller 208 may also be a proportional-integral controller. (emphasis added)

Thus, VanHoudt teaches that the error voltage is a difference between the thermistor voltage, which represents a temperature of the laser diode, and a reference voltage. In contrast, independent claims 1, 4, 7 and 8 of the present invention utilize an error voltage that is a voltage difference between an output voltage of the laser diode and a reference voltage. Thus, VanHoudt teaches adjustment of a different error voltage than the error voltage processed by claims 1, 4, 7 and 8 of the present invention.

Hence, even if combined, VanHoudt and Kelly do not teach or suggest independent claims 1, 4, 7, and/or 8 of the present invention.

Thus, it is respectfully submitted that independent claims 1, 4, 7, 8 and 9 are patentable under 35 U.S.C. §103(a) over Kelly et al. (USPN 6,775,216) in view of VanHoudt (2002/0121094). Since claims 3 and 5-6 depend from claims 1 and 4, respectively, claims 3 and 5-6 are patentable under 35 U.S.C. §103(a) over Kelly et al. (USPN 6,775,216) in view of VanHoudt (2002/0121094) for at least the reasons that claims 1 and 4 patentable under 35 U.S.C. §103(a) over Kelly et al. (USPN 6,775,216) in view of VanHoudt (2002/0121094).

ALLOWABLE SUBJECT MATTER:

Claims 18-34 were allowed.

Claims 10-17 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant thanks the Examiner for his careful consideration and allowance of claims 18-34.

As pointed out above, since claim 9 is submitted to be patentable over the cited art and claims 10-17 depend therefrom, claims 10-17 are submitted to be patentable over the cited art for at least the reasons that claim 9 is patentable over the cited art.

CONCLUSION:

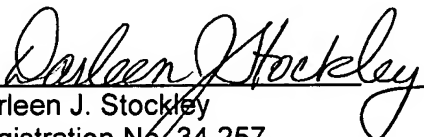
In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot, and further, that all pending claims patentably distinguish over the prior art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited. At a minimum, this Amendment should be entered at least for purposes of Appeal as it either clarifies and/or narrows the issues for consideration by the Board.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited and possibly concluded by the Examiner contacting the undersigned attorney for a telephone interview to discuss any such remaining issues.

If there are any underpayments or overpayments of fees associated with the filing of this Amendment, please charge and/or credit the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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